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U.S. COURT OF APPEALS

JUN 27 2012

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MICHAEL A. CLARK
NDOC #95771
HIGH DESERT STATE PRISON
BOX 650
INDIAN SPRINGS, NV
89070
APPELLANT IN PRO SE

(COURT COPY)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MICHAEL A. CLARK [redacted]
APPELLANT

No: 12-16377
D.C. NO: 2:11-cv-01850-GMN-VCF

VS.

KELLY BELANDER, ET AL
APPELLEE

MOTION FOR OMNIBUS RELIEF SOUGHT HEREIN

IS HEREBY BROUGHT FORTH BY APPELLANT MICHAEL A. CLARK IN PRO SE BASED UPON THE INFORMATION HEREIN, THE PROCEDURAL HISTORY AND FACTS ON FILE, REQUEST FOR SUPERVISORY MANDAMUS CONTAINED WITHIN THE NOTICE OF APPEAL AND PLEADINGS AND ORDERS ON FILE IN THE U.S. DIST. CT.

MOTION TO PROCEED IN FORMA PAUPERIS AND CERTIFIED FINANCIAL CERTIFICATE WAS FILED IN U.S. DIST. CT. AND ERRONEOUSLY DENIED BASED ON COURTS INCORRECT, UNTRUE FINDING THAT 3 CASES WERE PREVIOUSLY FILED BY APPELLANT AND DISMISSED ON GROUNDS THAT THE FAILED TO STATE VABLE CLAIMS.

APPELLANT HAS NO RECOLLECTION OF 2 OF THE CASES THAT U.S. DIST. CT. ALLEGES BELONG TO APPELLANT AND BELIEVES THEY WERE PERHAPS FILED BY A DIFFERENT "CLARK". 3RD ACTION WAS NEVER COMMENCED. (PLEASE SEE N.O.A ON FILE CONTAINING DETAIL ON THIS ERROR UNDER PROCEDURAL HISTORY) THE U.S. DIST. CT.'S ACTIONS OF UNLAWFULLY SUBJECTING HIM TO RESTRICTIONS OF U.S.C. 28 1915 (g) WERE APPEALED AND THUS PROHIBIT APPELLANT FROM FILING ~~FOR~~ MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL. ~~THAT ORDER WAS APPEALED~~

PRAYER FOR RELIEF

"PLEASE" REVIEW THE FACTS AND RELIEF SOUGHT IN THE NOTICE OF APPEAL WHICH I REQUESTED BE TREATED AS A REQUEST FOR SUPERVISORY MANDAMUS SO I CAN PROCEED ON APPEAL IN FORMA PAUPERIS.

PLEASE ORDER NDOC TO EXTEND COPY/WORK PRIVILEGES BY $30.00 SO I CAN SERVE ALL PARTIES AND NECESSARY COPIES UPON COURT.

CONCLUSION

I BELIEVE IF THE 9TH CIRCUIT WILL REVIEW THE NOTICE OF APPEAL/REQUEST FOR SUPERVISORY MANDAMUS AND THE AMENDED COMPLAINT CONTAINING ALLOGATIONS, WHICH IF TRUE ENTITLE ME TO RELIEF, AND THE SUBSEQUENT ORDERS DISMISSING THE CASE, IT WILL CONCLUDE THAT BRIEFING WILL NOT BE NECCESARY AND REMAND THIS CASE ALLOWING APPELLANT TO PROCEED IN FORMA PAUPERIS AND MANDATE THE SIMPLE RELIEF SOUGHT IN N.O.A./REQUEST FOR SUPERVISORY MANDAMUS ON FILE WITH THIS COURT. [redacted]

THE NEW LAW LIBRARY POLICY PROHIBITS INMATES IN UNIT 6D FROM USING KITE SYSTEM TO REQUEST FORMS TO PROCEED IN FORMA PAUPERIS OR CERTIFIED FINANCIAL CERTIFICATES TO ACCOMPANY SUCH MOTIONS. WE MUST FIRST REQUEST TO ATTEND LAW LIBRARY, THEN REQUEST FORMS WHILE AT LIBRARY PHYSICALLY.

THE NEXT TIME APPELLANT COULD ATTEND LAW LIBRARY IS APPX. WED JUNE 27TH. A REQUEST FOR A CERTIFIED FINANCIAL CERTIFICATE TO PROVE I DO NOT HAVE THE $455.00 FILING FEE WOULD TAKE 2-4 WEEKS FROM THAT DAY AND THEREFORE I PRAY THE 9TH CIRCUIT USE THE MOTION TO PROCEED IN FORMA PAUPERIS AND FINANCIAL CERTIFICATE ON FILE WITH U.S. DIST. CT. TO GRANT ME PERMISSION TO PROCEED IN FORMA PAUPERIS ON APPEAL AND PERMISSION TO FILE ONLY 1 COPY OF (OPENING BRIEF) IF IT DOES NOT CONCLUDE BASED ON REVIEW OF (AMENDED COMPLAINT) ON FILE WITH U.S. DIST. CT. AND IMPORTANT PROCEDURAL HISTORY OUTLINED IN N.O.A THAT APPELLANT IS ENTITLED TO HIS DAY IN CT. AND REMAND IMMEDIATELY FOR ABOVE REASONS I CANNOT CORRECT DEFICIENCY OF PAYING FILING FEE OR REQUEST TO PROCEED IN FORMA PAUPERIS IN DIST. CT. I HAVE NO COPY PRIVILEGE AND THEREFOR CANNOT PROVIDE 7 COPIES OF OPENING BRIEF IF BRIEFING IS STILL DEEMED NECESSARY AFTER REVIEW SOUGHT IS CONDUCTED. DATED THIS 18TH DAY JUNE, 2012

VERY RESPECTFULLY, MICHAEL A. CLARK NDOC 95771

CERTIFICATE OF SERVICE ATTACHED

Acknowledgement

I hereby agree to be responsible for the $455.00 filing fee out of future income earned but respectfully request that this Court waive the fee after it finds that the U.S. Dist. Ct errored in subjecting me to 28 U.S.C. 1915(g) restrictions as this error is main cause of need to appeal

Very respectfully,

Michael A Clark

95771

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CERTIFICATE OF SERVICE

Case Name: MICHAEL A. CLARK v. KELLY/BELANDER, ET AL

Case No.: 12-16377

IMPORTANT: You must send a copy of ALL documents filed with the court and any attachments to counsel for ALL parties in this case. You must also file a certificate of service with this court telling us that you have done so. You may use this certificate of service as a master copy, fill in the title of the document you are filing and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the certificate of service to each of the copies and the copy you file with the court.

I certify that a copy of the MOTION FOR OMNIBUS RELIEF
(Name of document you are filing, i.e., opening brief, motion, etc.)

and any attachments was served, either in person or by mail, on the persons listed below.

Signature
Notary NOT required

Name	Address	Date Served
ATTY GENERAL		MAILED JUNE 19, 2012